

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1562

Introduced by Senator Murray

February 19, 2004

An act to amend Section 35292.5 of the Education Code, and to amend Section 118505 of the Health and Safety Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1562, as amended, Murray. School restrooms.

Existing law, with certain exceptions, requires every public and private school to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

Existing law provides that a school district is ineligible for prescribed state school facilities deferred maintenance matching funding if, after a 30-day notice period and a reasonable opportunity to cure the violation, a public school it operates remains in violation of this bill.

This bill would require schools to permit a city or county health department to inspect restrooms located at that school and would give a city and county health departments authority to conduct these inspections.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 35292.5 of the Education Code is amended to read:

35292.5. (a) Every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, shall comply with all of the following:

(1) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

(2) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes.

(3) The school shall permit ~~city or county health departments~~ *the city or county* to inspect restrooms located at the school.

(b) Notwithstanding subdivision (a), a school may temporarily close any restroom as necessary for pupil safety or as necessary to repair the facility.

(c) Any school district that operates a public school that is in violation of this section as determined by the State Allocation Board is ineligible for state deferred maintenance fund matching apportionments pursuant to Section 17584 if the school district has not corrected the violation within 30 days after receipt of a written notice of the violation from the board. Prior to determining that the school district is ineligible, the board shall provide the school district with a reasonable opportunity to cure the violation. The board shall notify the Superintendent of Public Instruction regarding a school district found to be in violation of this section. The Superintendent of Public Instruction shall notify the Controller to withhold apportionments otherwise due the school district under Section 17584.

SEC. 2. Section 118505 of the Health and Safety Code is amended to read:

118505. (a) Publicly and privately owned facilities where the public congregates shall be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours.

(b) In conformity with the State Plumbing Code, and except as otherwise provided in this section, standards shall be adopted in order to enforce this section, as follows:

1 (1) The State Building Standards Commission shall adopt
2 standards with respect to all state-owned or state-occupied
3 facilities where the public congregates and over which it has
4 jurisdiction pursuant to Section 18934.5.

5 (2) The Office of the State Architect shall adopt standards with
6 respect to all facilities where the public congregates and that are
7 not covered by paragraph (1), unless exempt from coverage
8 pursuant to this section.

9 (c) The standards adopted pursuant to subdivision (b) shall be
10 published in the State Building Standards Code contained in Title
11 24 of the California Code of Regulations.

12 (d) This section shall apply to facilities where the public
13 congregates that commence construction, or that undertake
14 structural alterations, repairs, or improvements exceeding 50
15 percent of the entire facility, on or after January 1, 1989.

16 (e) For the purposes of this section, “facilities where the public
17 congregates” means sports and entertainment arenas, stadiums,
18 community and convention halls, specialty event centers,
19 amusement facilities, and ski resorts.

20 For purposes of this section, “facilities where the public
21 congregates” also means specialty event centers in public parks.

22 (f) This section shall not apply to the following:

23 (1) Any hotel. For purposes of this section, “hotel” means an
24 establishment in which there exists the relationship of guests and
25 innkeeper between the occupants and the owner or operator of the
26 establishment. The existence of some other legal relationship
27 between the occupants and owner or operator shall be immaterial.

28 (2) Any restaurant or food facility, as defined in Section
29 113785.

30 (3) Any public or private elementary or secondary school
31 facility, except that a city or county ~~health department~~ may inspect
32 restrooms located at these facilities pursuant to the requirements
33 of Section 35292.5 of the Education Code.

34 (4) Any qualified historic building, defined as qualifying under
35 provisions in the State Historical Building Code contained in Part
36 8 (commencing with Section 8-100) of Title 24 of the California
37 Code of Regulations.

38 (g) It is the intent of the Legislature that, in order to ensure that
39 standards are both viable and efficacious, the Office of the State
40 Architect and the State Building Standards Commission hold a

- 1 series of public meetings with representatives of affected
- 2 industries and state and local agencies prior to adopting standards
- 3 under this section.

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